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## Birch, Stewart, Kolasch & Birch, LLP

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MAR 15 2004

# OFFICIAL

To: Patent and Trademark Office  
Commissioner for Patents

From: Robert A. Seldon, Esq.

Fax: (703) 872-9306

Date: March 15, 2004

Phone:

Pages: 9 (including cover sheet)

Your

Our Ref.: L8382-01005

Ref.:

Re:

cc:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ PER YOUR REQUEST

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 10/631301  
Filed: July 31, 2003  
Applicant: Chisum  
Docket No: L8382-01005

TC/A.U: IPED  
Conf: 2628

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**MAR 15 2004**

**Response to Notice to File Missing Parts  
And  
Request for Three Month Extension**

**OFFICIAL**

Dear Sir:

This is a response to the Notice To File Missing Parts mailed October 20, 2003 (the "Notice"). The Notice requires a filing of an oath or declaration signed by inventor Perry Freeborn.

Applicant requests that this application be accepted without Mr. Freeborn's signed declaration. This application is a continuation of U.S. serial number 09/844,113 filed April 25, 2001, a declaration for which Mr. Freeborn refused to sign. Enclosed are copies of the undersigned's declaration submitted in support of a petition to accept the '113 application without Mr. Freeborn's signature, together with a copy of the Office's decision granting the petition.

Applicant requests a three month extension of time in which to respond to the Notice. Kindly charge Deposit Account 02-2448 for the \$540 fee (\$65 late fee plus \$475 extension fee), as well as any other fee, incurred by this response.

Respectfully submitted,

Birch, Stewart, Kolasch & Birch

By: 

Robert A. Seldon  
Reg. No. 27,156

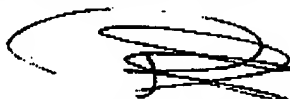
Dated: March 15, 2004

10940 Wilshire Blvd., 18<sup>th</sup> Floor  
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**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

March 15, 2004



Robert A. Seldon



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 7

Robert Seldon  
Seldon & Scillieri LLP  
2811 Wilshire Blvd., Suite 640  
Santa Monica, CA 90403

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DEC 03 2001

In re Application of  
Chisum et al.  
Application No. 09/844,113  
Filed: April 25, 2001  
Attorney Docket No. IWP/01

OFFICE OF PETITIONS

DECISION GRANTING STATUS  
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed September 20, 2001.


The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of Robert A. Seldon attest a copy of the application was faxed to the non-signing inventor's representative. Subsequent communication with non-signing inventor's representative indicated the application was received. The non-signing inventor's failure to respond to the application sufficiently establishes that the inventor refuses to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries related to this decision may be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/631,301	07/31/2003	Dennis Chisum	1.8382-01005

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CONFIRMATION NO. 2628

FORMALITIES LETTER



Date Mailed: 10/28/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Perry Freeborn*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(a) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration-Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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